

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15108 of 1996

Between:

- 1 Patha Satyanarayana, S/o Late Kailasam,
R/o 3-4/23, Maredupaka Village.
- 2 Gudala Rj akka, W/o Late Kailasam,
R/o H.No.: 3-4/12, Maredupaka Village.

..... PETITIONERS

AND

- 1 The Spl.Deputy Collector, L.A.Unit, Singareni
Collieries Company Ltd.,
Godavaarikhani, Karimnagar District.
- 2 The General Manager, Singareni Collieries Co.Ltd.,
Godavaarikhani, Karimnagar District.
- 3 The Executive Engineer,
R & B, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction : i) declaring the action of the respondent authorities in not paying the compensation for the structures, well etc., as mentioned in Annexures A4 and A5 of the Award dt : 28/6/1993, as arbitrary, illegal and violative of the Articles 14,16 and 21 of the constitution of India; ii) direct the respondents to pay the compensation for the structures and wells mentioned in Annexures A4 and A5 of the award Dt: 28.6.1996: iii) Costs be awarded to the petitioners.

Counsel for the Petitioners: MR.A.SUDERSHAN REDDY

Counsel for the Respondent Nos.1 & 3: GP FOR LAND ACQUISITION

Counsel for the Respondent No.2: MR.K.SRINIVASA MURTHY

The Court made the following:

ORDER:

This writ petition is filed seeking writ of Mandamus to declare the action of the respondent-authorities in not paying the compensation for the structures, wells, etc., existing in the lands, which were acquired, as illegal and arbitrary.

As stated in the affidavit, filed in support of the writ petition, it is the case of the petitioners that they are the owners and possessors of houses bearing D.Nos.3-4/23 and 3-4/12 situated in Maredupaka Village. While so, the respondents have notified the lands situated in Maredupaka Village. Though house structures, wells, etc., were existing at the time of notification, but the same were not notified and no compensation was paid. It is their case that when the said structures, wells, etc., were existing prior to the notification issued under Section-4 (1) of the Land Acquisition Act (for brevity 'the Act'), the respondents ought to have notified the same by issuing necessary notification under Section-4 (1) of the Act and paid the compensation for the said structures and wells also.

In the counter-affidavit filed on behalf of the respondents, it is stated that there were no structures on the lands, which were acquired, as pleaded by the petitioners, at the time of issuance of the notification

under Section-4 (1) of the Act. In that view of the matter, it is the case of the respondents that the structures and wells were not notified and no compensation is payable.

Though such an averment is made in the counter-affidavit, the petitioners have not disputed the same by filing any rejoinder.

Inasmuch as the very existence of the structures, wells, etc., on the lands, which were acquired, at the time of issuance of notification under Section-4 (1) of the Act is in dispute, no relief can be granted to the petitioners as prayed for, directing the respondents to pay the compensation to the raised structures and wells.

In view of the factual disputes having regard to the averments in the counter-affidavit, no relief as prayed for can be granted, in exercise of the Writ Jurisdiction under Article-226 of the Constitution of India. Accordingly, the writ petition is dismissed. However, this order will not preclude the petitioners to pursue other remedies available under law.

Subject to the above observation, the writ petition is dismissed.
No order as to costs.

_____ (R.SUBHASH REDDY, J)

08.02.2005

DR

To

1 The Spl.Deputy Collector, L.A.Unit, Singareni

Collieries Company Ltd.,

Godavaarikhani, Karimnagar District.

2 The General Manager, Singareni Collieries Co.Ltd.,
Godavaarikhani, Karimnagar District.

3 The Executive Engineer,
R & B, Karimnagar District.

4 2 CCs to Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad. (OUT)

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